

Decision No. 16583.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application  
of CITY OF ALAMEDA for permission  
to construct a street on Eagle  
Avenue, said City, across the tracks  
of the Central Pacific Railway  
Company.

Application No. 12,403.

BY THE COMMISSION:

O R D E R

The City Council of the City of Alameda, County of Alameda, State of California, filed the above entitled application with this Commission on the 7th day of January 1926, and amended application on the 22nd day of January, 1926, asking for authority to construct a public street at grade across the tracks of the Southern Pacific Company in said city, as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned in this Application, and that this Application should be granted, subject to the conditions hereinafter specified,

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the City Council of the City of Alameda, County of Alameda, State of California, to construct Eagle Avenue at grade across the tracks of the Southern Pacific Company as follows:

Beginning at a point on the southerly line of Eagle Avenue distant westerly thereon 497.85 ft., from the westerly line of Eighth Street, as said street and avenue are delineated and so designated upon that certain map entitled "Map of Mastick Park, City of Alameda, California", and filed in the office of the County Recorder of Alameda County, March 13, 1907, in Book 22, Page 56, and running thence westerly along the southerly line of Eagle Avenue produced, 80.67 ft., to a point on the westerly line of the Southern Pacific Company's Right of Way; thence N. 5°56' W., 60.50 ft., thereon, to a point on the northerly line of Eagle Avenue produced; thence easterly thereon 80.67 ft., to a point on the easterly line of the Southern Pacific Company's Right of Way; thence S. 5° 56' E., 60.50 ft., thereon to the point of beginning.

and as shown by the map (Exhibit "A") attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by the Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of the Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than sixty (60) feet and at an angle of approximately eighty (80) degrees to the railroad and with grades of approach not greater than

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one (1) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Existing switch located in roadway area of crossing herein authorized shall be relocated to a point either North or South of Eagle Avenue as extended over right-of-way of Southern Pacific Company.

(4) An automatic flagman shall be installed at expense of applicant for the protection of said crossing at such time as ten (10) or more regular passenger or passenger equipment trains are operated daily over said crossing.

(5) Applicant shall, within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said crossing.

(6) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment,

the public convenience and necessity demand such action.

The authority herein granted shall become effective  
on the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup>  
day of April, 1926.

H. B. Brundage

C. L. ...

Leon Whitell

Commissioners.